

ASSEMBLY BILL

No. 1587

Introduced by Committee on Public Employees, Retirement and Social Security (Negrete McLeod (Chair), Levine (Vice Chair), Chan, Correa, Kehoe, Laird, and Nakanishi)

February 21, 2003

An act to amend Sections 31520.1 and 31520.5 of, and to add Section 31485.9 to, the Government Code, relating to local public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as introduced, Committee on Public Employees, Retirement and Social Security. Local public employees' retirement: benefits.

(1) The County Employees Retirement Law of 1937 authorizes counties and districts to adopt specified retirement benefits for general members of the county's or district's retirement system and to adopt specified corresponding contribution rates or to adopt a single rate of contribution, as specified.

This bill would prohibit the adoption of any retirement benefits for some, but not all, general members or for any subgroup, as specified. The bill would also authorize a county or district to adopt a single contribution rate for all persons subject to the same benefit formula after that formula is adopted.

(2) The County Employees Retirement Law of 1937 sets forth the membership composition requirements for the board of retirement of counties subject to certain provisions regarding safety members, and requires that the board consist of 9 members and one alternate member.

This bill would revise the provisions regarding the selection of an alternate member and the 8th member of the retirement board.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31485.9 is added to the Government
2 Code, to read:

3 31485.9. (a) Notwithstanding any other provision of law,
4 including, but not limited to, Chapter 10 (commencing with
5 Section 3500) of Division 4 of Title 1, no resolution, ordinance,
6 contract, or contract amendment under this chapter adopted on or
7 after January 1, 2004, may provide any retirement benefits for
8 some, but not all, general members of a county or district.

9 (b) No resolution, ordinance, contract, or contract amendment
10 under this chapter adopted on or after January 1, 2004, may
11 provide different retirement benefits for any subgroup of general
12 members within a membership classification, including, but not
13 limited to, bargaining units or unrepresented groups, unless
14 benefits provided by statute for members hired on or after the date
15 specified in the resolution are adopted by the county or district
16 governing board, by resolution adopted by majority vote, pursuant
17 to a memorandum of understanding made under the
18 Meyers-Milias-Brown Act (Chapter 10 (commencing with
19 Section 3500) of Division 4 of Title 2). All nonrepresented
20 employees within similar job classifications as employees in a
21 bargaining unit subject to a memorandum of understanding, or
22 supervisors and managers thereof, shall be subject to the same
23 formula for the calculation of retirement benefits applicable to the
24 employees in the bargaining unit. No retirement contract
25 amendment may be imposed by the employer in absence of a
26 memorandum of understanding under the Meyers-Milias-Brown
27 Act.

28 (c) This section does not preclude changing membership
29 classification from one membership classification to another
30 membership classification.

31 SEC. 2. Section 31520.1 of the Government Code is amended
32 to read:



1 31520.1. In any county subject to the provisions of Articles
2 6.8 (commencing with Section 31639) and 7.5 (commencing with
3 Section 31662.2), the board of retirement shall consist of nine
4 members and one alternate, one of whom shall be the county
5 treasurer. The second and third members of the board shall be
6 members of the association, other than safety members, elected by
7 ~~such~~ *those* members within 30 days after the retirement system
8 becomes operative in a manner determined by the board of
9 supervisors. The fourth, fifth, sixth, and ninth members shall be
10 qualified electors of the county who are not connected with the
11 county government in any capacity, except one may be a
12 supervisor, and shall be appointed by the board of supervisors. A
13 supervisor appointed as a member of the retirement board ~~shall~~
14 *may* not serve beyond his *or her* term of office as supervisor. The
15 seventh member shall be a safety member of the association
16 elected by the safety members. The eighth member shall be a
17 retired member elected by the retired members of the association
18 in a manner to be determined by the board of supervisors. The
19 alternate member shall be that candidate, if any, for the seventh
20 member from the group under Section 31470.2 or 31470.4, *or any*
21 *other eligible safety member in a county if there is no eligible*
22 *candidate from the groups under Sections 31470.2 and 31470.4,*
23 which is not represented by a board member who received the
24 highest number of votes of all candidates in that group. If there is
25 no such candidate there shall be no alternate member. The first
26 person chosen as the second and fourth members shall serve for a
27 term of two years beginning with the date the system becomes
28 operative, the third and fifth members shall serve for a term of
29 three years beginning with that date, and the sixth, seventh and
30 alternate members shall serve for a term of two years beginning
31 January 1, 1952, or the date on which a retirement system
32 established by this chapter becomes operative, whichever is the
33 later. The eighth and ninth members shall take office as soon as
34 practicable for an initial term to expire concurrent with the
35 expiration of the longest remaining term of an elected member.
36 Thereafter, the terms of office of the elected and appointed
37 members and alternate are three years.

38 The alternate member provided for by this section shall vote as
39 a member of the board only in the event the second, third, seventh,
40 or eighth member is absent from a board meeting for any cause,

1 or if there is a vacancy with respect to the second, third, seventh,
2 or eighth member, the alternate member shall fill ~~such~~ *the* vacancy
3 until a successor qualifies. The alternate shall sit on the board in
4 place of the seventh member ~~when~~ *if* a member of the same service
5 is before the board for determination of his *or her* retirement.

6 The amendments to this section during the 1972 Regular
7 Session ~~shall do not be construed to~~ affect the continuation on the
8 board of retired members appointed by *the* board of supervisors
9 until the expiration of the term for which they were appointed.

10 SEC. 3. Section 31520.5 of the Government Code is amended
11 to read:

12 31520.5. (a) Notwithstanding Section 31520.1, in any
13 county subject to Articles 6.8 (commencing with Section 31639)
14 and 7.5 (commencing with Section 31662.2), the board of
15 retirement may, by majority vote, appoint, from a list of nominees
16 submitted by ~~an~~ *qualified retired* organization ~~consisting solely of~~
17 ~~retired members~~, an alternate retired member to the office of the
18 eighth member, who shall serve until the expiration of the current
19 term of the current eighth member and thereafter the alternate
20 retired member shall be elected separately by the retired members
21 of the association in the same manner and at the same time as the
22 eighth member is elected. *An organization shall be deemed to be*
23 *a "qualified retiree organization" for purposes of this subdivision*
24 *if a majority of the members of the organization are retired*
25 *members of the system.*

26 (b) The term of office of the alternate retired member shall run
27 concurrently with the term of office of the eighth member. The
28 alternate retired member shall vote as a member of the board only
29 in the event the eighth member is absent from a board meeting for
30 any cause. If there is a vacancy with respect to the eighth member,
31 the alternate retired member shall fill that vacancy until a
32 successor qualifies. The alternate retired member shall be entitled
33 to the same compensation as the eighth member only if the
34 alternate retired member is present and acting for the eighth
35 member during the entire meeting.

36 (c) If this section is made applicable in any county, by the
37 appointment of an alternate eighth member, the alternate safety
38 member ~~shall~~ *may* not sit and act for the eighth member.